



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PONTES PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

Tenant O
Landlord OPR

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenants.

The Landlord filed seeking an Order of Possession.

The Tenants filed an application for other considerations.

Service of the hearing documents by the Landlord to the Tenants were done by personal delivery on December 24, 2014 in accordance with section 89 of the Act.

The Tenants did not attend the hearing. Consequently as a result of the Tenants not supporting their application, I dismiss the Tenants' application without leave to reapply.

Issues to be Decided

Landlord:

1. Is the Landlord entitled to an Order of Possession?

Background and Evidence

This tenancy started on February 20, 2013 as a month to month tenancy. Rent is \$950.00 per month payable in advance of the 1st day of each month. The Tenants paid a security deposit of \$462.50 in advance of the tenancy.

The Landlord said he issued a 10 Day Notice to End Tenancy for Unpaid rent dated August 27, 2014 and the Tenants filed an application to dispute that Notice. The Landlord said the Tenants were unsuccessful in disputing the Notice and he did not realize he had to formally request an Order of Possession from the Arbitrator to receive an Order of Possession. The Landlord said he has participated in many hearings and

he thought the Order of Possession was always included if the tenants were unsuccessful in disputing the Notice. As a result the Landlord has now made application for an Order of Possession based on the previous decision that upheld the 10 Day Notice to End Tenancy for unpaid rent dated August 27, 2014.

The Landlord provided a copy of the Decision dated October 6, 2014 that upheld the 10 Day Notice to End Tenancy for unpaid rent dated August 27, 2014.

Further the Landlord said the Tenants have made rent payments and he has issued rent receipts that state the receipts are for "Use and Occupancy only" and the tenancy has not been re-instated.

The Landlord requested an Order of Possession for as soon as possible.

Analysis

As the 10 Day Notice to End Tenancy for unpaid rent dated August 27, 2014 was upheld in the Decision dated October 6, 2014 and the effective vacancy date on the 10 Day Notice to End Tenancy for Unpaid Rent was September 8, 2014 and the Landlord has now applied for and orally requested an Order of Possession; I award the Landlord an Order of Possession pursuant to section 55 of the Act.

Conclusion

An Order of Possession effective two days after service of the Order has been issued to the Landlord. A copy of the Order must be served on the Tenants: the Order of Possession may be enforced in the Supreme Court of British Columbia.

The Tenants' application is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 20, 2015

Residential Tenancy Branch

